

10 R. TOD SPIEKER,
11 Plaintiff,
12 v.
13 TANYSIA WYLIE, et al.,
14 Defendants.

Case No. [15-cv-04501 NC](#)

REPORT AND RECOMMENDATION TO
REMAND TO STATE COURT; REQUEST
FOR REASSIGNMENT TO DISTRICT
COURT JUDGE

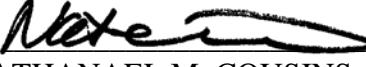
Re: Dkt. No. 6

16 On October 1, 2015, the Court ordered defendant Wylie to show cause why this
17 case should not be remanded to state court for lack of subject matter jurisdiction. The
18 Court then gave Wylie until October 15, 2015, to respond to the Order to Show Cause;
19 otherwise, the Court would remand the action to state court. Wylie has failed to respond.

20 Accordingly, the Court recommends that the district court remand this case to state
21 court.

22 None of the parties in this case has consented to the jurisdiction of a magistrate
23 judge. 28 U.S.C. § 636(c). Because the undersigned magistrate judge lacks jurisdictional
24 authority, the clerk must reassign this case to a district court judge. Any party may object
25 to this recommendation within 14 days. Fed. R. Civ. P. 72.

1 **IT IS SO ORDERED.**
2
3 Dated: December 2, 2015

4 
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NATHANAEL M. COUSINS
United States Magistrate Judge

1
2
3 R. TOD SPIEKER,
4 Plaintiff,
5 v.
6 TANYSIA WYLIE, et al.,
7 Defendants.
8

9 Case No. 15-cv-04501-NC
10

11 **CERTIFICATE OF SERVICE**
12

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
14 District Court, Northern District of California.
15

16 That on December 2, 2015, I SERVED a true and correct copy(ies) of the attached, by
17 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
18 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
receptacle located in the Clerk's office.

19 Charles Jeffers
20 Tanyisia Wylie
21 86 W. Rincon Ave, Apt #21
Campbell, CA 95008

22 Dated: December 2, 2015

23 Susan Y. Soong
24 Clerk, United States District Court
25

26 By: Lili Harrell
27 Lili Harrell, Deputy Clerk to the
28 Honorable NATHANIEL M. COUSINS